

**KAPLAN AMENDMENTS TO:
ORDINANCE AMENDING OAKLAND MUNICIPAL CODE
CHAPTER 5.80, MEDICAL CANNABIS DISPENSARY
PERMITS, TO ALIGN WITH CALIFORNIA'S MEDICAL
MARIJUANA REGULATION AND SAFETY ACT AND
ADOPTING CEQA EXEMPTION FINDINGS**

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5.80.010 – Definitions.

H. *"Ownership" means the following:*

- a) *With respect to a non-profit entity, including without limitation a non-profit corporation or similar entity, a person has an ownership interest in the organization or entity if he or she is the executive director or a member of the board of directors.*
- b) *With respect to worker-owned associations or cooperatives, a person has an ownership interest if he or she is a member of the worker-owned association or cooperative.*
- c) *With respect to for profit-entities, including without limitation corporations, partnerships, limited liability companies, [insert other examples?], a person has an ownership interest if he or she has an aggregate ownership interest (other than a security interest, lien, or encumbrance) of 50 percent or more in the entity. In addition, if the entity is publicly-traded, a person has an ownership interest if he or she is the executive director or a member of the board of directors.*

5.80.020 – Business permit required and application for permit.

6. *Vertical Integration. An applicant for a dispensary permit shall not be disqualified from receiving a permit under this Chapter on the ground that the applicant also operates or intends to operate in a cannabis-related field by providing additional, non-dispensary activities (such as cultivation).*

F. At the time of submission of dispensary permit application, the applicant shall pay a dispensary permit application fee. The fee amount shall be set by City Council resolution in the City's Master Fee Schedule. The fee for *[insert name of equity permit program applicants]* shall be waived.

5.80.045 – Dispensary Equity Permit Program.

B. Financial Incentives.

The City Administrator is authorized and directed to grant an annual incentive payment to a Dispensary that acquired cannabis business permits through the Equity Application Program issued under section 5.80.045 equal to _____ percent of local business tax payments made to the City by the Dispensary for up to _____ years after receiving an initial permit if the gross receipts for this Dispensary are less than \$_____, and _____ percent if the gross receipts for this Dispensary are greater than \$_____ but less than \$_____.

5.80.070 – Revocation, suspension and appeals.

Notwithstanding Chapter 5.02, all applications for permits, including renewals, for permits issued pursuant to this Chapter, shall be filed in the Office of the City Administrator. Applicants must acknowledge receipt of operating regulations and conditions, and submit proof of fire inspection, health inspection, building inspection, business tax license, zoning clearance, and all other proof of compliance required for the issuance of a permit.

Any decision by the City Administrator to issue, deny or condition a permit shall be subject to an appeal by any aggrieved person pursuant to Section 5.02.100, except that the appeal authorized in Section 5.02.100 shall be to an independent hearing officer, and such request for appeal must be made in writing within fourteen (14) days of the City Administrator's decision. The decision of the independent hearing officer shall be final and conclusive. For suspensions or revocations the City shall follow the procedures set forth in Section 5.02.080, except that the City Administrator shall provide fourteen (14) days' notice of the hearing on the proposed action to suspend or revoke the permit. The appeal authorized in Section 5.02.100 shall be to an independent hearing officer, and such request for appeal must be made in writing within fourteen (14) days of the City Administrator's decision. The decision of the independent hearing officer shall be final and conclusive.